

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: James F. BROWN et al.

Application No./Patent No.: 10/798,857

Filed/Issue Date: March 11, 2004

Titled METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET NUCLEIC ACID IN A SAMPLE

USA, Secretary, Dept. Health & Human Services, a Government Agency

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or
3. ☒ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Patrick P. McCue, Reg. No. 65,898

Licensing/Pat. Mgr., OTT, NY

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

ASSIGNMENT

WHEREAS, we: Jonathan E. SILVER, a United States Citizen residing at 7516 Arrowood Road, Bethesda, Maryland 20817, an employee of the Department of Health and Human Services; and Olga V. KALININA, a Citizen of Russia residing at 280 Saint George St., Apt. # 403, Toronto, Ontario M5R 2P7, CANADA, working under an obligation to the National Institutes of Health, are, with joint inventor James F. BROWN, coinventors of a certain new and useful invention as set forth in an application for United States Letters Patent for an invention entitled METHOD OF SAMPLING, AMPLIFYING AND QUANTIFYING SEGMENT OF NUCLEIC ACID, POLYMERASE CHAIN REACTION ASSEMBLY HAVING NANOLITER-SIZED SAMPLE CHAMBERS, AND METHOD OF FILLING ASSEMBLY, executed by me, Jonathan E. SILVER, on Nov. 14, 1997, and by me, Olga V. KALININA, on Nov. 10, 1997 Serial No. 08/838,262, filed April 17, 1997; and

WHEREAS, we are named as inventors, together with James F. Brown, in the above-identified application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to jointly entitle the Government and Cytonix Corporation of Beltsville, Maryland, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States is desirous of acquiring our domestic and foreign right, title and interest in the aforesaid invention described in the aforesaid application of Letters Patent of the United States;

NOW, THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged, we hereby assign and transfer to the United States of America, represented by the Secretary, Department of Health and Human Services, the full and exclusive right, title and interest that we have to assign and transfer in and to said invention in the United States and within each and every foreign country in which the Government or Cytonix Corporation elects to file, and the full and exclusive right, title and interest that we have to assign and transfer in and to such applications, and any continued prosecution applications, continuations, continuations-in-part, divisionals, reissues or extensions thereof, and including priority rights as may be filed in the United States and foreign countries, and such Letters Patents as have issued or may be granted on continued prosecution applications to be held by the Government to the end of the term for which the same would have been held by us had this assignment not been made.

I further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for

improvements or reissues of Letters Patent, and further agree to assist the Government in every way in protecting said invention as may be requested, provided that any expense arising through extending such assistance will be paid by the Government.

IN WITNESS WHEREOF, I hereunto set my hand and seal

this 14th day of Nov., 1997

Jonathan E. Silver

Jonathan E. SILVER

STATE OF

COUNTY OF

On this 14th day of Nov., 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared Jonathan E. Silver, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Mark L. Davidson Montgomery Co., Maryland

Notary Public in and for aforesaid County and State

MARK L. DAVIDSON

NOTARY PUBLIC STATE OF MARYLAND

My commission expires My Commission Expires March 25, 2000

AND IN WITNESS WHEREOF, I hereunto set my hand and seal

this 12 day of Nov., 1997

SKA/f (LS)
Olga V. KALININA

COUNTRY OF CANADA

PROVINCE OF Ontario

COUNTY OF

On this 12 day of Nov., 1997, before me, a Notary Public in and for the province and County aforesaid, personally appeared Olga V. Kalinina, personally ~~known to me~~ or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be ~~his~~/her free act and deed. MAD

Neil Harold Dobbs
Notary Public in and for aforesaid Province and County

NEIL HAROLD DOBBS, Notary Public, Municipality
of Metropolitan Toronto, limited to the attestation of
instruments and the taking of affidavits, for the
City of Toronto
Expires April 22, 1999.